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# Vietnam to Courtroom

Gen. William C. Westmoreland, who was commander of United States forces in Vietnam from 1964 to 1968, filed a \$120 million libel suit in 1982 against CBS over a documentary that stated that his command conspired to underestimate reports of enemy troop strength before the Tet offensive of January 1968. Here are some of the events that led to the lawsuit, which General Westmoreland formally ended on Sunday night.

## 1964

June 20 — General Westmoreland is named commander of United States forces in Vietnam, which number fewer than 18,000 advisers and support personnel.

## 1965

July 13 — Maj. Gen. Joseph A. McChristian becomes chief of military intelligence on General Westmoreland's staff.

## 1966

December — Military and Central Intelligence Agency officers in Vietnam begin a review of enemy strength estimates.

## 1967

April — General Westmoreland visits Washington, gives President Johnson an optimistic assessment of the war.

May 19 — General McChristian prepares a cable to be sent to Washington on the results of a five-month intelligence study that puts enemy strength at more than 500,000 troops. General Westmoreland orders General McChristian not to send the cable.

May 28 — Col. Gains Hawkins, a senior intelligence officer, meets with General Westmoreland and is told, according to the colonel's later testimony, that the higher figures for enemy strength are "politically unacceptable."

June 1 — General McChristian is transferred from Vietnam and replaced by Lieut. Gen. Phillip B. Davidson.

June and July — Colonel Hawkins orders subordinates to cut estimates of enemy strength. He will later testify that this was done to conform to a ceiling imposed by General Westmoreland.

August — Military and C.I.A. analysts meet in Langley, Va., and disagree on enemy strength. General Westmoreland's staff argues for totals under 300,000; C.I.A. officials, including Samuel A. Adams, favor more than 500,000.

Sept. 12 — Negotiations between military and C.I.A. analysts lead to acceptance of the military command's lower figures.

Nov. 13 — General Westmoreland sends President Johnson and the Joint Chiefs of Staff figures showing enemy strength at 223,000 to 248,000 troops.

Nov. 21 — Walt W. Rostow, special assistant to President Johnson, warns the President in a memo that the press might "latch onto the previous underestimate and revive credibility gap talk."

Nov. 22 — General Westmoreland tells reporters that Communist strength has declined from 285,000 in 1966 to 242,000 in 1967.

## 1968

Jan. 30 — Communist forces launch the Tet offensive, striking Saigon and 39 other cities and towns in an attack that creates turmoil and comes to be regarded as a turning point of the war.

Jan. 31 — Mr. Adams, the C.I.A. analyst, tells his superiors that the compromise figures were "a monument of deceit." He accuses the general's staff of "outright falsehoods" that "basically misinformed policy makers of the strength of the enemy."

July 3 — General Westmoreland becomes Army Chief of Staff and is replaced as commander in Vietnam by Gen. Creighton Abrams.

## 1973

Jan. 11 — Mr. Adams demands an investigation by the C.I.A. on the handling of the enemy strength figures, then resigns from the agency.

April — Mr. Adams testifies at the Pentagon Papers trial of Daniel Ellsberg that the military deliberately cut enemy strength figures. He later asks Representative Paul N. McCloskey, Republican of California, to keep a file of Westmoreland-C.I.A. cables and other documents.

April 17 — Representative McCloskey charges that the military "deliberately concealed" the size and nature of the enemy before the Tet offensive.

April 30 — Saigon falls to the Communists.

May — Harper's magazine publishes article by Mr. Adams charging that General Westmoreland's command "fabricated" enemy strength figures. The article is edited by George Crile 3d, who will join CBS as a producer in 1976.

September-December — A House committee investigates Mr. Adams's charges.

## 1976

January — The House committee reports that the 1967 estimates dropped numbers "in what appears to have been an arbitrary attempt to maintain some ceiling" on estimates of enemy strength.

## 1980

Nov. 24 — Mr. Crile, now a CBS producer, proposes a documentary on the enemy troop strength issue. It is accepted and Mr. Adams, now writing a book on the subject, is later hired as a CBS consultant for the project.

Continued

**1981**

CBS creates a 90-minute, \$250,000 documentary. It interviews more than 80 people, 13 of them on camera, including General Westmoreland and Mr. Adams.

**1982**

Jan. 23 — "The Uncounted Enemy: A Vietnam Deception" is shown on "CBS Reports" to a national audience estimated at 9.6 million.

Jan. 26 — General Westmoreland denounces the program as a "vicious, scurrilous and premeditated attack on my character and personal integrity." He demands, but does not receive, an apology from CBS.

May 29 — An article in TV Guide, "Anatomy of a Smear," criticizes the CBS procedures used in making the documentary.

July 8 — A CBS internal study finds that the documentary suffered from "imbalance" and that there were editing mistakes and other violations of the network's standards, but it stands by the program.

Sept. 13 — General Westmoreland files a \$120 million libel suit, charging that CBS defamed him by falsely accusing him of lying to the President and the Joint Chiefs of Staff.

**1984**

Sept. 24 — Judge Pierre N. Leval denies a CBS motion to dismiss the case, saying there are sufficient questions to warrant a trial.

Oct. 9 — The trial begins in Federal Court in Manhattan.

November — General Westmoreland testifies for nine days, arguing his case and denying that he had acted improperly.

**1985**

Feb. 12 — Colonel Hawkins testifies that General Westmoreland imposed a "dishonest" ceiling on enemy troop figures in 1967 because higher numbers were "politically unacceptable."

Feb. 18 — Lawyers announce a settlement in which General Westmoreland withdraws the suit, CBS pays no damages and stands by its documentary, and each side pays its own legal expenses.